# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/829,128 | 04/09/2001 | James J. Wiczer | 1486.00003 | 7257 |

| | | EXAMINER |
|---|---|---|
| 7590 | 09/08/2004 | BONZO, BRYCE P |

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| ART UNIT | PAPER NUMBER |
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| 2114 | |

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _09 April 2001_.

2a)☐ This action is **FINAL**.          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-22_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _6/6/01_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## NON-FINAL OFFICIAL ACTION

### *Status of the Claims*

Claims 1, 2, 6, 7, 13, 16, 17 and 21 are rejected under 35 USC §102(e).

5      Claims 3, -5, 8, 12, 14, 15, 18-20 and 22 are rejected under 35 USC §103.

### *Rejections under 35 USC §102(e)*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

10         A person shall be entitled to a patent unless –

           (e) the invention was described in (1) an application for patent, published under section
           122(b), by another filed in the United States before the invention by the applicant for patent or
           (2) a patent granted on an application for patent by another filed in the United States before
           the invention by the applicant for patent, except that an international application filed under
15         the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
           application filed in the United States only if the international application designated the United
           States and was published under Article 21(2) of such treaty in the English language.

           Claims 1, 2, 6, 7, 13, 16, 17 and 21 are rejected under 35 U.S.C. 102(e) as being

20     anticipated by Gavin (United States Patent No. 6, 272,447 B1).

As per claim 1, Gavin discloses:

The method of interfacing a transducer element to a communication network

comprising:

25         providing an adaptable transducer interface comprising a programmable

transducer interface controller for connecting to the transducer element (Figure 16, item

151) and a programmable network interface controller for connecting to the

communication network (Figure 16, item 151), the transducer interface controller being

operatively connected to the network interface controller (Figure 16, item 151);

receiving user selectable transducer information identifying operating

characteristics of the transducer element (column 13, lines 1-9);

5          receiving user selectable operator interface information identifying display

parameters interactively arranged for displaying operating data of the transducer

element (column 7, lines 22-40);

generating a transducer interface program for converting transducer element

operating characteristics to user data and storing the transducer interface program in

10   the transducer interface controller (column 12, lines 33-44); and

generating a network interface program based on the display parameters for

creating screen displays using the user data and storing the network interface program

in the network interface controller (column 7, lines 1-22),

the adaptable transducer interface being useable to remotely interface with the

15   transducer element over the communication network (Figure 16 shows a network of

communication lines attached to a station for both accepting user input and controlling

the transducers).


As per claim 2, Gavin discloses:

20          wherein receiving user selectable transducer information identifying operating

characteristics of the transducer element comprises receiving user entered information

(column 11, lines 23-33 and column 12, lines 63-67).

As per claim 6, Gavin discloses:

wherein receiving user selectable operator interface information identifying

display parameters interactively arranged for displaying operating data of the transducer

5    element comprises receiving user entered information (column 7, lines 21-34).


As per claim 7, Gavin discloses:

wherein receiving user selectable operator interface information identifying

display parameters interactively arranged for displaying operating data of the transducer

10   element comprises providing user selectable options for display parameters and the

user selects from the user selectable options (column 11, lines 21-57 disclose an entire

software suite dedicated to presenting the user options and parameters for transducers

used in the production of a product).


15   As per claim 13, Gavin discloses:

wherein providing an adaptable transducer interface comprising a programmable

transducer interface controller for connecting to the transducer element comprises

providing a microcontroller, a memory and a transducer interface circuit (figure 16, item

151 must contain these items as it is a *computer controlling* transducers).

20

Claims 16, 17 and 21 are rejected as being the system for implementing the method of interfacing with transducers of claims 1, 7 and 13 respectively, and are rejected on the above recited grounds.

5                        *Rejections under 35 USC §103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15        Claims 14, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin (United States Patent No. 6,272,447 B1).

As per claim 14, Gavin does not explicitly disclose the use of an embedded microweb server. The Examiner takes Official Notice that the use of embedded

20     microweb servers as interfaces in devices besides traditional heavy-weight dedicated web servers used to host high volume sites. Embedded web servers have found usage as configuration interfaces in printers, routers, portable music devices, automotive display systems and various port small electronics. Embedded web servers have the advantage of providing a light weight easily configurable interface at minimal cost.

25     Embedded web servers are well known to be usable for passing formatted information between a user and a device, such as a printer. Thus it would have been obvious to

one of ordinary skill in the art of interface design to incorporate an embedded microweb

server in to the computer of Gavin thus creating a simple yet powerful, extensible and

cost efficient interface to the computer, thus improving the user experience.

5            Claim 22 is rejected as being the system for implementing the method of

interfacing with transducers of claim 14 and is rejected on the above recited grounds.

As per claim 15, Gavin does not explicitly disclose connecting via a transducer

independent interface.    Official Notice is given that connecting via a transducer

10       independent interface is well known in the computer networking arts.    Numerous

protocols and interfaces have been created to this end over the past 40 years.  RS-232,

a serial port standard, is widely used on many controllers for controlling transducers.

During the 1980's and 1990's the use of parallel ports was common.  USB has been the

interface protocol of choice for most transducers outside of the computer chassis since

15       1999.    ISA, EISA, PCI, AGP and now PCX have been the common standards for

interdevice communication since the 1990's inside of a computer chassis.  The use of

an independent interfaces provides the benefits of a well thought out and tested

communication channel, a large variety of interface equipment and inter-operability with

devices of different origin and manufacture.  Thus it would have been obvious to one of

20       ordinary skill in the art at the time of invention to incorporate the well known practice of

using device independent interfacing in the system of Gavin thus accommodating the

well held practice of using standardized interfaces in computing devices and enhancing

interoperability.

Claims 3-5, 8-12 and 18-21 are rejected under 35 U.S.C. 103(a) as being

5      unpatentable over Gavin (United States Patent No 6,272,447 B1) in view of Yu (United

States Patent Application Publication No. 2002/0095231 A1).

As per claim 3, Gavin does not disclose:  providing user selectable options for

operating characteristics of the transducer element and the user selects from the user

10     selectable options.  Gavin does receive option chosen by the user, but does not

explicitly describe how these options were presented to the user for selection.  Yu

discloses the practice providing  Java interface to the user wherein the user selects

from predefined options and those options are relayed to the transducer (page 3,

¶45,48,50).  Yu provides an architecture for simplifying user interaction with complex

15     transducers in complex processes (page 2, ¶25).  Thus it would have been obvious for

one of ordinary skill in the art at the time of invention to incorporate the selectable

options interface for relaying information into a transducer to the computerized interface

and control system of Gavin thus creating a more immediately user friendly environment

for the user.

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As per claim 4, Gavin discloses:

wherein the user selectable options comprise a selection of types of transducer

sensors (column 13, lines 1-9).

5    As per claim 5, Gavin discloses:

wherein the user selectable options comprise a selection of types of transducer

actuators (column 12, lines 57-63).

As per claims 8-11, Gavin does not explicitly disclose:

10        wherein generating a transducer interface program comprises combining

preconfigured software modules selected based on the received user selectable

transducer operating characteristics.

Gavin does provide a non-descript interface with which a user interacts.  Yu

provides a highly extensive interface via Java and the Internet/web pages (and

15    therefore HTML). Yu provides an architecture for simplifying user interaction with

complex transducers in complex processes (page 2, ¶25).  Java operates specifically by

downloading modules back and forth inside of a self contained security "sand box."

Thus it would have been obvious for one of ordinary skill in the art at the time of

invention to incorporate the preconfigured software modules selected based on the

20    received user selectable transducer operating characteristics into the computerized

interface and control system of Gavin thus creating a more immediately user friendly

environment for the user.

As per claim 12, Gavin does not explicitly disclose:

creating a product label for the adaptable transducer interface using the user selectable transducer information and the user selectable operator interface information. Yu discloses the practice providing Java interface to the user wherein the user selects from predefined options and those options are relayed to the transducer (page 3, ¶45,48,50). Yu provides an architecture for simplifying user interaction with complex transducers in complex processes which includes the ability to save and load previously created design patterns (page 2, ¶25; page 3, ¶45). To load or save a pattern it must be labeled whether by a user's desired name, it order of creation, or an address location at the very minimum. Further, Yu does allow for the customization of the product to allow text entry, which may further be considered a label. Thus it would have been obvious for one of ordinary skill in the art at the time of invention to incorporate the selectable options interface for relaying information into a transducer to the computerized interface and control system of Gavin thus creating a more immediately user friendly environment for the user and allow access to previously created items.

Claims 18-20 are rejected as being the system for implementing the method of interfacing with transducers of claims 8, 10 and 11 respectively, and are rejected on the above recited grounds.
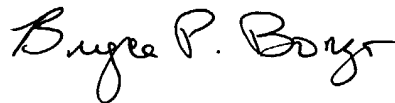
## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834 or upon moving to the new facilities in Alexandria (571) 272-3655. The examiner

5    can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713 or upon moving to the new facilities in Alexandria (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10    Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

15    you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryce P Bonzo
Examiner
Art Unit 2114

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